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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,244	07/10/2001	Mikko Sievanen	19380.0006	7004

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EXAMINER

PIERCE, WILLIAM M

ART UNIT PAPER NUMBER

3711

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/868,244

Applicant(s)

SIEVANEN ET AL.

Examiner

William M. Pierce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-22 and 24-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-22 and 24-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

WILLIAM M. PIERCE
PRIMARY EXAMINER

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DETAILED ACTION

In view of the Brief filed on 5/2/05, PROSECUTION IS HEREBY REOPENED. A new grounds for rejection is set forth below. Appellant's Brief argued references showing what is old and well known to the design of honeycomb panels based on a date rather than content. Rather than having the Board reverse for a technical issue rather than one of substance, references with undisputable dates have been used to show the level of ordinary skill as it pertains to honeycomb panels.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 112

Claims 12 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 12, "board-like" is indefinite.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12,-17, 19-22 and 24-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Gorges 4,557,961.

As to claims 19,-22, 24-26 and 28 Shown is a panel used for floors (col. 1, ln. 11) which are known to be supported by joists¹, as such is considered to show a substructure comprising beams. Further shown is a cellular board 14, an impact stress inducing layer 15 and an "impact-resistant" laminate layer 20. To the extent that "impact

¹ Note the Webster's II New Riverside University Dictionary definition of joist is "any of the parallel beams set from wall to wall to support the boards of a floor"

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stress induring" and "impact-resistant" are relative terms such that everything can be described as possessing such traits relative to another material depending upon the materials and the applications, theses limitations are considered met. As shown in fig. 4, the elements of Gorges are connected together. Lastly, with respect to the recitation of a bowling lane, any floor is considered to meet this recitation of intended use. Most broadly, plastic toy pins and a ball used by a child on a floor render such a "bowling lane". As to claims 12 and 13, 14 of Gorges is considered to be "board-like". Aluminum as called for by claim 14 and foam as called for by claims 15 and 16 is shown at col. 6, ln. 27 and reference number 21 respectively. As to claim 17, wood board is shown col. 6, ln. 18.

As to claim 27, Gorges show the layer of the panels to have different thicknesses in different sections (col. 8, lns. 8-44)..

Claims 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gorgest in view of Kelly 4,337,290. Gorges does mention fibrous material and resin the use of paper for his layers. Kelly teaches that it would have been obvious to have used a paper impregnated with resin as a known board like material for use in creating laminates like that shown by Gorges

Claim Rejections - 35 USC § 103

Claims 17-22 and 248 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunst in view of Kelly 4,337,290.

As to claims 17-22 and 26-28, Brunst shows a substructure of beams in fig. 1 construction elements having a cellular board 21 where all wood material is considered to be a "cellular material" to meet the limitations of the claim. Further shown is a board layer 31 and 32. It is unclear whether or not Brunst shows a protective layer from his (col. 6, lns. 50-59). In any event, Kelly teaches that protective layers attached to a substrate are known. To have added the protective layer of Kelly to Brunst would have been obvious in order to make the panel more durable.

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunst in view of Kelly 4,337,290 and further in view of Stirling Re. 35,778 and Materials Science and Engineering and Turner 5,106,668.

Brunst does not mention cells having a hexagonal cross-section. Sterling teaches in bowling lanes that "sandwich-type" structures are known in to be tried in bowling. From the bottom of pg. 541 of Materials Science one can see that "honeycomb" structure is a well known to "sandwich panels". To have replaced the panels of Brunst with the honeycomb panels of Materials Science would have been an obvious matter of replacing one known sandwich type panel for that of another in order to take advantage of its known properties of strength, lightness, rigidity and

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stability. Turner teaches that it is known to design honeycomb panels such that they are resistant to impact loads (col 1, Ins. 20-43).

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunst in view of Kelly 4,337,290 and further in view of Stirling Re. 35,778 and Materials Science and Engineering and further in view of Gorges.

To have replace the panel of Brunst with one constructed of honeycomb would have been obvious for the reasons set forth above. To have filled these cells of the honeycomb panel with a polyurethane foam would have been obvious as taught by Gorges at his 21 in order to insulate the panel.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Heddon shows a laminated bowling panel.

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication and its merits should be directed to William Pierce at E-mail address bill.pierce@USPTO.gov or at telephone number (571) 272-4414.

For **official fax** communications to be officially entered in the application the fax number is (703) 872-9306.

For **informal fax** communications the fax number is (703) 308-7769.

Any inquiry of a general nature or relating to the **status** of this application or proceeding can also be directed to the receptionist whose telephone number is (703) 308-1148.

Any inquiry concerning the **drawings** should be directed to the Drafting Division whose telephone number is (703) 305-8335.


WILLIAM PIERCE
PRIMARY EXAMINER